

# **FISCAL NOTE**

## **HB 1213 - SB 1717**

April 29, 2003

**SUMMARY OF BILL:** Specifies that it is a Class B misdemeanor for a person who is operating or in physical control of a motor vehicle to consume an alcoholic beverage. Specifies that it is a Class C misdemeanor to possess an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is on a public highway except in a motor vehicle being used primarily to transport passengers for compensation, in the living quarters of a recreational vehicle, or a vehicle operated by a chauffeur. Deletes current open container provisions making possession or consumption of an alcoholic beverage by the driver of a motor vehicle a Class C misdemeanor punishable by fine only.

### **ESTIMATED FISCAL IMPACT:**

**Increase State Revenues - Exceeds \$100,000**

**Increase Local Govt. Revenues - Not Significant**

**Increase Local Govt. Expenditures - Not Significant**

**Other Fiscal Impact - In the absence of the bill, approximately \$11,000,000 in federal funds for FY 03-04 and subsequent years currently used for the Surface Transportation Program, Interstate Maintenance, or the National Highway System could be restricted for use through required transfer to Section 402 safety programs.**

Estimate assumes:

- approximately 650 open container violations by drivers and 650 by passengers.
- increase in the average fine for violations of open container provisions committed by drivers from \$40 to \$200 as a result of making offense a Class B misdemeanor.
- average fine for violations of open container provisions by passengers of \$40.
- state receives fines in accordance with TCA 55-10-303.
- clerks receive commission on fines collected.
- increase in local government expenditures depends on the number of persons convicted of the offense and the increased cost to confine such persons. This increase is estimated to be not significant based on few violators being required to serve jail time for the offense.

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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